

and to avail oneself of the best that the legal system has to offer is based on one's financial status. The National Law Journal stated in 1990, "Indigent defendants on trial for their lives are being frequently represented by ill-trained, unprepared court-appointed lawyers so grossly underpaid they literally cannot afford to do the job they know needs to be done." The American Bar Association has admitted as much.

The legal process has historically been replete with bias, as well. We have a history of exclusion of jurors based on their race; now, the Supreme Court has sanctioned the exclusion of multi-lingual jurors if witnesses' testimony will be translated—this is particularly significant in my area of the country, in San Antonio. Further, we have executed juveniles—children, actually, as well as those with limited intelligence. Only four countries besides the United States are known to have executed juvenile offenders in the past decade: Bangladesh, Pakistan, Iraq, and Iran. That's some company to be in.

There are moves on in Congress to speed up the execution process by limiting and streamlining the appeals process. But when the statistics show how arbitrarily the death penalty is applied, how can we make any changes without first assuring fairness? If the death penalty is a fair means of exacting retribution and punishment, then isn't fairness a necessary element of the imposition of capital punishment? There are no do-overs in this business when mistakes are made.

The imposition of the death sentence in such an uneven way is a powerful argument against it. The punishment is so random, so disproportionately applied in a few States, that it represents occasional retribution, not swift or sure justice. My colleagues, I implore you to correct this national disgrace. Nearly all other Western democracies have abolished the death penalty without any ill effects; let us not be left behind. Let us release ourselves from the limitations of a barbaric tradition that serves only to undermine the very human rights which we seek to uphold.

The evolution in thinking in this area has progressed in nearly all areas of the world except in this country, where the evolution halted and even began reversing itself in recent years as the Federal Government has moved to execute Federal prisoners and States such as Texas have accelerated State executions. But among our country's most highly-educated and high-trained legal specialists, the evolution has been restarted. Former Supreme Court Justices Lewis Powell and Harry Blackmun came to the conclusion in recent years that capital punishment constitutes cruel and unusual punishment. Congress should pursue the line of thinking espoused now by these legal scholars in recognizing that capital punishment is unconstitutional and that this should be declared in a constitutional amendment. I urge my colleagues to join me in this effort.

RESTRICTIONS ON TRAVEL TO NORTH KOREA NEEDED

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OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. KIM. Mr. Speaker, I rise today to introduce legislation that would limit congressional

travel to North Korea until the President certifies to Congress that North Korea does not have a policy of discrimination against Members and employees of the Congress in permitting travel to North Korea on the basis of national origin or political philosophy.

As I am the only Korean-American ever to serve in Congress and am also a member of the House International Relations Subcommittee on Asian and Pacific Affairs, Speaker of the House NEWT GINGRICH and International Relations Committee Chairman BENJAMIN GILMAN encouraged me to lead a special, bipartisan assessment mission to North Korea. This would be the first Republican-appointed congressional mission to North Korea in 40 years.

The United States Congress will be required to approve of any further assistance or technology transfers to North Korea. Congress will also play an important role in determining the pace and scope of future diplomatic and trade relations between Washington and Pyongyang. Therefore, it is important for Congress to have an accurate and complete assessment of the situation in North Korea conducted by a select group of its own Members. A dialogue with North Korea's leaders and a first-hand examination of the implementation of the recently achieved Agreed Framework regarding North Korea's nuclear developments would clearly benefit the congressional decisionmaking process and ensure that as accurate and complete information as possible would be available to Congress. Without question, the nuclear crisis on the Korean Peninsula is one of the most important national security concerns of the United States today.

Regrettably, the North Korean Government has rejected the dates I have proposed for this bipartisan mission. Initially, Pyongyang indicated that the dates I had proposed were inconvenient for the North Korean Government. Yet, North Korea invited a minority Democratic Member of Congress to Pyongyang for one of the same periods of time I had proposed. This incident coupled with North Korea's latest rejection confirms to me that North Korea is afraid of allowing me and this special delegation into North Korea.

I believe Pyongyang is afraid because I am of Korean origin and am fluent in Korean. I know the culture and the people. I would be able to talk directly to the people and accurately read the expressions on their faces. I would be able to see and understand things—some very subtle—that other Americans would miss. In other words, the North Korean regime knows it cannot mislead or fool me.

While I believe my national origin is, in large part, the reason for North Korea's rejection, Pyongyang has also cited my fair and legitimate questioning of some of North Korea's actions, including its human rights record. It is telling that North Korea has rejected this mission knowing that it has the endorsement of the new Republican leadership of the House of Representatives. Thus, I also believe that my political philosophy—a philosophy different from that of the Member who was invited to North Korea—was a factor in North Korea's decision. I have carefully chosen the words political philosophy because I am not convinced that party affiliation alone is a determining factor for North Korea. I am aware that the recent request of a ranking Democratic member of the Senate Foreign Relations Committee to meet with North Korean officials was

also rejected. Many of his views about the situation in Korea are similar to mine.

Unfortunately, I do not believe that North Korea realizes that its policy of picking and choosing the Members of Congress with whom it will cooperate is perceived by my colleagues here in Congress as an insult to the United States and to the United States Congress. We cannot cede to North Korea the right to determine which Members of Congress should represent Congress in a bilateral dialog. All U.S. Representatives and Senators are equal in their respective Chambers. No one of us has more constitutional rights than the other. We cannot allow North Korea to create different classes of Members of Congress.

Furthermore, the way that the North Koreans have chosen to snub Congress should make us even more suspicious about Pyongyang's true level of sincerity towards their other interactions with the United States, including the commitments they claim to have made in the recent nuclear agreement. I can no longer see how some in the Clinton administration can be so confident that North Korea will comply in both letter and spirit with the recent nuclear deal when Pyongyang sends the opposite signal through its disgraceful treatment of Congress.

It is ironic that in his reply to me, the Minister-Counselor of the North Korean Mission to the United Nations in New York—the channel which is used to communicate with Pyongyang—claims that his country wants harmony and reconciliation between North Korea and the United States. As the only Korean-American in Congress, I am in the unique position to communicate best with North Koreans and assess the sincerity of this claim.

Yet, in the same letter North Korea rejects the very mission that the new Republican leadership in Congress has approved to explore this subject. Actions speak louder than words and North Korea's actions appear to be very illogical and self-destructive. It appears that North Korea has thrown away an exceptional opportunity to further the reconciliation process it claims to want.

Those of us closest to the Korean issue in Congress have patiently put up with North Korea's insulting behavior. But, enough is enough. North Korea is politically and economically bankrupt. Without question, Pyongyang needs better relations with the U.S. Congress far, far more than the Congress needs a dialog with Pyongyang. Thus, until the President can certify that North Korea has reversed its discriminatory policy towards Congress, the legislation I am introducing today would preclude any official congressional travel to North Korea. It would ensure that the U.S. Congress maintains the dignity and respect it deserves.

Mr. Speaker, I invite my colleagues to co-sponsor this responsible legislation and join me in sending a strong, clear message to North Korea.